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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725-LBR

**Notice to Joanne Grundman of
Motion For Summary Judgment
Regarding Claim No(s). 10725-01544**

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

NOTICE IS HEREBY GIVEN to Joanne Grundman that on July 30, 2007, the USACM Liquidating Trust ("USACM") filed a Motion for Summary Judgment related to Claim No(s). 10725-01544 (the "Motion"). Along with this notice, USACM is serving Joanne Grundman with a copy of the Motion.

1 Joanne Grundman asserted priority claim(s) against USA Commercial Mortgage
 2 Company. The Motion disputes your assertion of priority claim status and asks the Court
 3 to reclassify your claim(s) as a general unsecured claim. The Motion does not challenge
 4 your claim as a direct lender or any security interest you may have as a direct lender in
 5 your borrowers' property as collateral.

6 **NOTICE IS FURTHER GIVEN** that any opposition to the Objection/Motion
 7 must be filed pursuant to Local Rule 9014(d)(1). **PLEASE DO NOT CONTACT THE**
 8 **CLERK OF THE COURT OF THE BANKRUPTCY COURT TO DISCUSS THE**
 9 **MERITS OF YOUR CLAIM.** If you do not want the Court to grant the relief sought in
 10 the Motion, or if you want to explain why you believe your claim(s) are priority claim(s)
 11 or otherwise want the Court to consider your views on the Motion, then you must file an
 12 opposition to the Motion with the Court, and serve a copy on the USACM Liquidating
 13 Trust **NO LATER THAN AUGUST 17, 2007.** The opposition must state your position, set
 14 forth all relevant facts and legal authority, provide relevant documents that support your
 15 claim to priority status, and be supported by affidavits or declarations that conform to
 16 Local Rule 9014(c).

17 If you object to the relief requested in the Objection/Motion, you *must* file a
 18 **WRITTEN** response to this pleading with the Court. You *must* also serve your
 19 written response to the person who sent you this notice.

20 If you do not file a written response with the Court, or if you do not serve your
 21 written response on the person who sent you this notice, then:

- 22 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 23 • The Court may *rule against you* without formally calling the matter at the
- 24 hearing.

25 **NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held
 26 before a United States Bankruptcy Judge, Courtroom No. 1, Foley Federal Building, 300
 27 Las Vegas Boulevard South, Las Vegas, Nevada 89101 on **October 15, 2007** at the hour
 28

1 of 9:30 a.m. The hearing may be continued from time to time with notice to the parties
2 appearing.

3 Dated July 30, 2007.

4 LEWIS AND ROCA LLP

6 By /s/ RC (#6593)

7 Susan M. Freeman, AZ 4199 (*pro hac vice*)

8 Rob Charles, NV 6593

9 John C. Hinderaker, AZ 18024 (*pro hac vice*)

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